

HOUSE BILL NO. 379

INTRODUCED BY K. GALVIN-HALCRO, BOOKOUT-REINICKE, KEANE, LAWSON

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING AN EMPLOYER WITH 10 OR MORE EMPLOYEES, INCLUDING MANAGEMENT, TO PROVIDE AN EMPLOYEE A PAID REST PERIOD OF NOT LESS THAN 10 OR MORE THAN 15 MINUTES DURING EACH CONTINUOUS 4 1/2 HOURS OF WORK; DEFINING "EMPLOYER" TO INCLUDE MANAGEMENT; PROVIDING A PENALTY ADOPT A POLICY GENERALLY PROVIDING FOR REST PERIODS; PROVIDING THAT EMPLOYERS MAY NOT REQUIRE EMPLOYEES TO WORK MORE THAN 4 HOURS WITHOUT A REST PERIOD OF NOT LESS THAN 10 MINUTES EVERY 4 HOURS; PROVIDING EXCEPTIONS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Rest periods for employees --definition--penalty. (1) ~~An employer shall provide an employee a paid rest period of not less than 10 or more than 15 minutes during each continuous 4 1/2 hours of work~~ AN EMPLOYER SHALL ADOPT A POLICY OR PROCEDURE PROVIDING THAT WHENEVER FEASIBLE, GIVEN THE REASONABLE DEMANDS OF THE EMPLOYER'S OPERATION, AN EMPLOYEE MAY NOT BE REQUIRED TO WORK MORE THAN 4 HOURS WITHOUT A REST PERIOD OF NOT LESS THAN AT LEAST 10 MINUTES. REST PERIODS MUST BE ACCOMMODATED WITHIN THE REASONABLE FLOW OF WORK.

~~—— (2) An employer who fails, neglects, or refuses to provide rest periods, as provided in this section, after being requested to provide rest periods by an employee or who permits an overseer, superintendent, or agent to violate the provisions of this section shall pay the employee for the rest period at a rate of not less than 1 1/2 times the hourly rate at which the employee is paid.~~

~~(3)(2) As used in this section, "employer" means a person or entity that has~~ THIS SECTION APPLIES TO AN EMPLOYER THAT EMPLOYS 10 or more employees, including management, and that is located in or doing business in Montana.

(3) THIS SECTION DOES NOT ALTER THE TERMS, CONDITIONS, OR PRACTICES CONTAINED IN ANY COLLECTIVE BARGAINING AGREEMENT.

(4) THIS SECTION DOES NOT APPLY TO AN INDIVIDUAL SUBJECT TO THE PROVISIONS OF THE MOTOR CARRIER ACT (49 U.S.C. 31502) OR THE RAILWAY LABOR ACT (45 U.S.C. 151).

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2 NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an
3 integral part of Title 39, chapter 2, part 2, and the provisions of Title 39, chapter 2, part 2, apply to
4 [section 1].

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6 NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

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